

THE HONORABLE JOHN C. COUGHENOUR

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

UNITED STATES OF AMERICA,

Plaintiff,

v.

WEI QUAN WU,

Defendant.

CASE NO. CR20-0173-JCC

ORDER

This matter comes before the Court on Defendant's unopposed motion to continue the trial date and the pretrial motions deadline (Dkt. No. 87), along with his motion to seal (Dkt. No 88). Having thoroughly considered the briefing, the Court GRANTS the requests for the reasons described herein.

Defendant was indicted in October 2020 for Conspiracy to Manufacture and Distribute Marihuana, Possession with Intent to Distribute Marihuana, and Manufacturing and Possessing with Intent to Distribute Marihuana. (Dkt. No. 1.) Trial is set for August 14, 2023. (Dkt. No. 69.) Defendant moves to continue trial to March 4, 2024, citing the need for additional time to review voluminous discovery and prepare for trial. (Dkt. No. 87 at 2.) Based on Defendant's representations, the Court FINDS that, taking into account the exercise of due diligence, the failure to grant a continuance would deny Defendant and his counsel the reasonable time necessary for effective preparation, resulting in a miscarriage of justice. 18 U.S.C.

§ 3161(h)(7)(B)(i), (iv). And, based on these findings, the Court concludes that the ends of justice served by granting a continuance outweigh the best interest of the public and of Defendant to a speedy trial. 18 U.S.C. § 3161(h)(7)(A).

Included with Defendant's motion is an exhibit (Dkt. No. 89), filed under seal, which Defendant now moves to maintain under seal. (Dkt. No. 88.) While the public has a common law right to inspect and copy public records, including those from judicial proceedings, these rights are not absolute. They must yield when (1) sealing a document serves a compelling interest, (2) that is substantially likely to be harmed if the document is not sealed, and (3) there are no less restrictive alternatives for protecting the interest. *See United States v. Doe*, 870 F.3d 991, 998 (9th Cir. 2017). Such is the case here, and the Court finds good cause to maintain the exhibit under seal.

Accordingly, the Court GRANTS Defendant's request to continue (Dkt. No. 87) and to seal (Dkt. No. 88) and ORDERS as follows:

1. The August 14, 2023 jury trial is CONTINUED until March 4, 2024.
2. The pretrial motions deadline is EXTENDED to January 6, 2024.
3. The period from the date of this order through the new trial date, March 4, 2024, is excludable under 18 U.S.C. § 3161(h)(7)(A).

In addition, the Clerk is DIRECTED to maintain Docket Number 89 under seal.

DATED this 21st day of June 2023.

A handwritten signature in black ink, appearing to read "John C. Coughenour", written over a horizontal line.

John C. Coughenour
UNITED STATES DISTRICT JUDGE